

Message Text

UNCLASSIFIED

PAGE 01 STATE 238347

63
ORIGIN L-02

INFO OCT-01 ARA-10 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00

EB-06 FMC-02 INR-07 RSC-01 CG-00 COA-01 DLOS-05

SWF-01 PA-02 USIA-15 PRS-01 SP-02 PM-03 NSC-05 SS-15

JUSE-00 NSA-01 /080 R

DRAFTED BY L/M:KEMALMBORG:AD

APPROVED BY L/M:KEMALMBORG

EB/MA - MR. JOHE

----- 042408

P 301934Z OCT 74

FM SECSTATE WASHDC

TO AMEMBASSY BOGOTA PRIORITY

UNCLAS STATE 238347

E.O. 11652: N/A

TAGS: PFOR, EWWT, CO

SUBJECT: SEIZURE OF COLOMBIAN GOVERNMENT-OWNED VESSEL

REF: BOGOTA 9538

1. SOVEREIGN IMMUNITY IS AN AFFIRMATIVE DEFENSE WHICH FIRST MUST BE RAISED WITH THE COURT BY COUNSEL FOR VESSEL OWNER. USG DOES NOT TAKE INITIATIVE WITH COURT TO SUGGEST IMMUNITY. WE HAVE HAD NO WORD FROM COUNSEL FOR NAVENAL AS TO WHETHER HE IS RAISING THIS DEFENSE.

2. IF COUNSEL FOR VESSEL DOES RAISE SOVEREIGN IMMUNITY DEFENSE, HE THEN SHOULD ASK COLOMUIAN EMBASSY TO REQUEST DEPARTMENT TO SUGGEST IMMUNITY TO COURT THROUGH DIPLOMATIC CHANNELS. REQUEST WOULD HAVE TO CONTAIN SUFFICIENT INFORMATION ON LEGAL ISSUES IN LITIGATION AND SUFFICIENT FACTS ON OWNERSHIP AND USE OF VESSEL TO PERMIT US TO MAKE DETERMINATION OF WHETHER US LIMITED DOCTRINE OF SOVEREIGN IMMUNITY MAY BE INVOKED. WE WOULD ALSO BE IN TOUCH WITH COUNSEL FOR OTHER SIDE BEFORE MAKING OUR DECISION. INGERSOLL

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 238347

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SHIP DETENTION, TAIRONA, COURTS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 OCT 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE238347
Document Source: CORE
Document Unique ID: 00
Drafter: KEMALMBORG:AD
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740310-0087
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t1974106/aaaaeif.tel
Line Count: 60
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: BOGOTA 9538
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 16 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 APR 2002 by chappeld>; APPROVED <11 FEB 2003 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SEIZURE OF COLOMBIAN GOVERNMENT-OWNED VESSEL
TAGS: PFOR, EWWT, CO, US
To: BOGOTA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005